
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
v. :
MARC PANCHENKO :
:

CRIMINAL COMPLAINT
Mag. No. 09-8009 (MCA)

I, Stephen Jamison, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about the dates set forth in Attachment A, in Union County, in the District of New Jersey, and elsewhere, defendant Marc Panchenko:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.


Stephen Jamison, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
January 15, 2009 at Newark, New Jersey

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

Did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), that was mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, each constituting a separate count of this Complaint, all in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

| Count | Date | Description |
|-------|-------------------|---|
| 1 | July 16, 2008 | An image of a minor, female child wearing a diaper depicted with her legs spread apart. |
| 2 | September 1, 2008 | An image of a minor, female child standing in between two beds, naked, with her genital region exposed. |

ATTACHMENT B

I, Stephen Jamison, a Special Agent with the Federal Bureau of Investigation, having conducted an investigation and discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. On or about July 16, 2008, at approximately 12 p.m., an undercover law enforcement officer accessed the Internet Relay Chat ("IRC") channel, "#kids_r_us," believed to be used by individuals to trade child pornography.¹
2. During that session, at approximately 12:10 p.m., a user of that channel with the screen name "JaksOnLilGir" posted a message stating, "Morning. Any other park pervs?"² Thereafter, the undercover law enforcement officer engaged JaksOnLilGir in a private chat. During that private chat, JaksOnLilGir wrote, "I play with lonely little girls in parks," and proceeded to send several Internet links³ to the undercover officer, all of which directed the undercover officer to pictures stored on the website "Photobucket."⁴ The undercover law enforcement officer reviewed those pictures and found them to depict prepubescent girls in various public and private settings. Several of the 19 links sent by JaksOnLilGir to the undercover officer depicted images of child pornography.
3. For example, at approximately 12:49 p.m., JaksOnLilGir sent the undercover law enforcement officer a link, <http://i315.photobucket.com/albums/11468/grownedup/va15yrs.jpg>, to a Photobucket album titled "grownedup," which depicts a minor female child who appears to be under the age of 12-years. She is lying on her back on what appears to be bedding, and is wearing a colored shirt and a white diaper. Her hands are behind her head, and her legs are raised and spread apart. Along with the link, JaksOnLilGir included the message, "Some [pictures are of] kids of single moms I dated, like this one."

¹ IRC is an international network of computer systems that operates on a channel system that is similar to a chat room. Just like chat rooms, IRC channels are places on the Internet where people can communicate with people who have similar interests. The communications are in real time, just like telephone calls or face to face communications, albeit through typed messages. IRC channels can be dedicated to any topic including the trading of child pornography or the recruitment of children into illicit sexual relationships.

² All spelling and grammatical errors contained within the quotation marks are those of the original author.

³ A link, when selected, automatically directs the user to the website identified in the link.

⁴ Photobucket is a website that allows members to store their digital photographs on its servers for free. The images, once stored, are public unless password protected or otherwise secured by the member.

4. JaksOnLilGir communicated with the undercover law enforcement officer and sent the Internet link to the image of child pornography from Internet Protocol address 12.175.120.250.⁵ Through various investigative means, law enforcement officers determined that Synchronoss Technologies located at 1525 Valley Center Parkway, Hanover, Pennsylvania 18017 was assigned that IP address for the entirety of July 16, 2008.

5. On or about Monday, September 1, 2008, at approximately 10 p.m., an undercover law enforcement officer again accessed the IRC channel #kids_r_us.

6. During that session, at approximately 10:41 p.m., the undercover law enforcement officer engaged a user of that channel with the screen name “parkwatcher” in a private chat. Throughout that private chat, parkwatcher sent several Internet links to the undercover officer, all of which directed the undercover officer to pictures stored on the Photobucket website.⁶

7. The undercover law enforcement officer reviewed those pictures and found them, like the Photobucket pictures previously sent by JaksOnLilGir, to depict prepubescent girls in various public and private settings. At least one of the links sent by parkwatcher to the undercover officer depicted an image of child pornography.

8. Specifically, at approximately 10:54 p.m., parkwatcher sent the undercover law enforcement officer a link, <http://i517.photobucket.com/albums/u334/creature387/tracyinhotel-6yrs.jpg>, to a Photobucket album titled “creature387,” which depicts a minor female child who appears to be under the age of 12-years. She is standing in what appears to be a bedroom, in between two, single beds. The minor is nude and standing with her legs slightly separated; her genital region is exposed. In her left hand is an unknown item, pink in color. Along with the link, parkwatcher included the message, “This is her [the girl who parkwatcher claimed performed oral sex on him when she was 5-years-old], she’s 7 now, I played with her until 6 ½.”

9. Parkwatcher communicated with the undercover law enforcement officer and sent the Internet link to the image of child pornography from Internet Protocol address 69.142.175.155. Through various investigative means, law enforcement officers determined that Marc Panchenko (hereinafter, “defendant PANCHENKO”) residing at 410 W. Gibbons Street, Linden, New Jersey 07036 was assigned that IP address on September 1, 2008 at 10:54 p.m.

⁵ Typically, computers or devices on the Internet are referenced by a unique Internet Protocol (“IP”) address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 254. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. As previously noted, IP addresses, like phone numbers, are unique, i.e., no two households can have the same IP address at the same time.

⁶ Parkwatcher claimed to be from San Diego during the chat with the undercover law enforcement officer, but the IP address traced back to New Jersey, not California.

10. On or about January 5, 2009, law enforcement officers interviewed defendant PANCHENKO at his residence, 410 W. Gibbons Street, Linden, New Jersey. During that interview, defendant PANCHENKO stated, in substance and in part, that he is employed by Synchronoss Technologies in Bethlehem, Pennsylvania. Defendant PANCHENKO further stated, in substance and in part, that he frequents IRC channels, including #kids_r_us. Defendant PANCHENKO further stated, in substance and in part, that he has used the user names JaksOnLilGir and parkwatcher when accessing those IRC channels.

11. On or about January 5, 2009, law enforcement officers showed defendant PANCHENKO the image associated with the link <http://i517.photobucket.com/albums/u334/creature387/tracyinhotel-6yrs.jpg>, the link sent by parkwatcher to the undercover law enforcement officer on or about September 1, 2008. Defendant PANCHENKO acknowledged, in substance and in part, that he uploaded that image to Photobucket.